

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA)
vs.)
MELVIN RICHARDSON) No. 03-30047-MAP

MOTION TO CONTINUE

Now comes the defendant in the above entitled matter and moves this Honorable Court to continue the matter presently scheduled for jury selection on August 29, 2005, and asserts as his basis, therefore, the following:

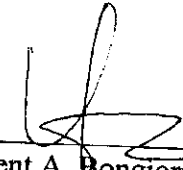
On Monday, August 15, 2005 counsel for defendant learned the superseding indictment had been returned by the Grand Jury. The additional Count in the superseding indictment is predicated upon the warrantless search of the defendant's motor vehicle. The defendant anticipates a reasonable period of time is necessary to prepare and file a motion to suppress which will require an evidentiary hearing.

Counsel for defendant is presently out of the Commonwealth on a vacation and has just received notice of a series of oral statements made by the defendant post arrest. Counsel for defendant anticipates a period of time is necessary to file a motion to suppress which will require an evidentiary hearing.

WHEREFORE, defendant requests jury selection be continued to a date convenient to all parties.


This motion is supported by affidavit.

THE DEFENDANT

BY: 
Vincent A. Bongiorno, Esq.
95 State Street, Ste 309
Springfield, MA. 01103
(413) 732-0222
BBO #049040

CERTIFICATE OF SERVICE

I, Vincent A. Bongiorni, Esq., do hereby certify that I have served a copy of the foregoing to the Assistant United States Attorney, Paul Smyth, Esq., United States District Court, 1550 Main Street, Springfield, Ma. 01103 this 17th day of August, 2005.



Vincent A. Bongiorni

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA)
)
vs.) No. 03-30047-MAP
)
MELVIN RICHARDSON)

AFFIDAVIT OF COUNSEL

Now comes Vincent A. Bongiorno and being duly sworn hereby deposes and states under oath I am the attorney of record for the above named defendant. Beginning August 10, 2006 I received notice by facsimile of the existence of a superseding indictment and a series of oral statements made by the defendant to Agents of the ATF, DEA, and Springfield Police Department. As I was not in the office when these materials were received, I had copies faxed to me while on vacation and have forwarded copies to my client.

On Tuesday, August 16, 2005 my office received additional discovery of my client's oral statements which I have yet to review. The return of the superseding indictment and the scope of the recent disclosures have materially altered the trial landscape and require a reasonable period of time to review the materials with my client and prepare both motions to suppress and for further discovery.

I am currently scheduled to return to the area on Monday, August 21, 2005 in order to appear in United States v. Michael Crooker scheduled for an evidentiary hearing on August 23, 2005. I do not believe I am able to prepare and file those motions I deem appropriate in the present case in the time period between my return and jury selection in this case.

WHEREFORE, I believe a continuance of the date for trial in this case is reasonably necessary.

Signed under the pains and penalties of perjury this 17th Day of August, 2005.



Vincent A. Bongiorno